

REMARKS

Entry of the foregoing, and reexamination and reconsideration of the subject application, as amended, are respectfully requested.

By this Amendment the non-elected claims have been cancelled. Furthermore, the remaining claims have been revised so that they better conform to domestic practice. For example, preferred embodiments embedded in some original claims have been removed and are presented in stand-alone dependent claims (see new claims 25-45). Also the error discovered by the Examiner in claim 15 has been corrected. Support for this change can be found on page 9, lines 24-29 of the English language translation of the original specification. It is believed that the application is in condition for allowance.

The only issues that remain are those of “obviousness-type” double patenting, and the definiteness of the clause “significantly below 100°C”. Looking first to the definiteness issue, there is no ambiguity regarding the scope of the language in question. Indeed, the boundaries, and particularly the upper and lower limits of this range are defined by the process that is claimed. That is, the language encompasses those temperatures below 100°C that provide the claimed result - give the amide and in-turn polymer P. Those temperatures that do not provide the stated result are not embraced by the claim. Accordingly, the claims are in compliance with the second paragraph of 35 U.S.C §112, and the rejection should be withdrawn.

The only other rejection is that of the claims on double patenting grounds based on copending application Serial No 12/311,730. Such a rejection here, however, is not appropriate. Of the two applications in question, U.S. Serial No 12/311,730 is the later filed case. Under these circumstances the examiner should withdraw the rejection in this case – the earlier filed case - and allow this case to proceed to issue. See M.P.E.P §804(I) (B) (1).

Therefore, in view of the foregoing, it is respectfully submitted that the claims are patentable. Accordingly, withdrawal of all rejections and the issuance of a Notice of Allowance are believed to be next in order and such actions are earnestly solicited.

In the event that there are any questions relating to this Amendment or to the application in general, it would be appreciated if the Examiner would contact the undersigned attorney by telephone at the number below so that prosecution of the application may be expedited.

The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-4047.

Respectfully submitted,
BINGHAM McCUTCHEON, LLP

Date: October 21, 2010

By:


Bruce J. Boggs, Jr.
Registration No. 32,344

Bingham McCutchen LLP
2020 K Street, NW
Washington, DC 20006
Telephone: (202) 373-6000
Facsimile: (202) 373-6001